

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

NOV 25 2013
JULIA C. DUDLEY, CLERK
BY: *[Signature]*
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UNITED STATES OF AMERICA,

) CASE NO. 7:12CR00014
) (CASE NO. 7:12CV80629)

v.

) FINAL ORDER

RODOLFO NUNEZ PONCE,
Defendant.

) By: Glen E. Conrad
) Chief United States District Judge
)

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the defendant's letter/motion for more time to file a notice of appeal (ECF No. 30) is **DENIED**; and the conditionally filed motion to vacate, set aside or correct the sentence under 28 U.S.C. § 2255 (ECF No. 33), which was filed for administrative reasons only as CASE NO. 7:12CV80629, is **DISMISSED WITHOUT PREJUDICE** and stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 25th day of November, 2013.

Glen Conrad

Chief United States District Judge